

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

REBECCA KLUG,

Plaintiff,

v.

CIVIL ACTION NO.: 3:18-CV-00711
JUDGE ROBERT C. CHAMBERS

MARSHALL UNIVERSITY
JOAN C. EDWARDS SCHOOL OF
MEDICINE, MARSHALL
UNIVERSITY BOARD OF GOVERNORS,
and FARID B. MOZAFFARI, an individual,

Defendants.

**MOTION TO DISMISS ON BEHALF OF
MARSHALL UNIVERSITY BOARD OF GOVERNORS**

Now comes the Defendant, Marshall University Board of Governors, by counsel, and pursuant to Rules 12(b)(6) of the *Federal Rules of Civil Procedure* and *West Virginia Code* §§ 55-2-12 and 55-17-3, respectfully moves this Court to dismiss the Complaint against it. The Complaint is barred by the two-year statute of limitations laid out in *West Virginia Code* § 55-2-12, even when allowing for the tolling provisions established in *West Virginia Code* § 55-17-3. Furthermore, the allegations in the Complaint fail to state a claim upon which relief may be granted.

WHEREFORE, this Defendant moves this Court to dismiss this civil action against it, as well as for such other relief as this Court deems just and proper. This Defendant incorporates its Memorandum of Law filed contemporaneously herewith as if fully restated herein.

MARSHALL UNIVERSITY BOARD OF
GOVERNORS,

By counsel

s/Perry W. Oxley

Perry W. Oxley (WVSB #7211)

L.R. Sammons III (WVSB #9524)

Eric D. Salyers (WVSB # 13042)

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CERTIFICATE OF SERVICE

The undersigned counsel for Defendant, Marshall University Board of Governors, served the foregoing “*Motion to Dismiss on Behalf of Marshall University Board of Governors*” by electronically filing a true copy of the same with the Clerk of the Court using the CM/ECF system on this **10th** day of **July, 2018**:

Kristina Thomas Whiteaker
David L. Grubb
The Grubb Law Group
1114 Kanawha Boulevard, East
Charleston, WV 25301

s/Perry W. Oxley
Perry W. Oxley (WVSB #7211)
L.R. Sammons III (WVSB #9524)
Eric D. Salyers (WVSB # 13042)